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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,382
Filing Date: September 30, 2003
Appellant(s): KARAOGUZ ET AL.

Frankie W. Wong
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/10/2009 appealing from the Office action mailed 04/07/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: Claims 4, 5, 10, 14, 15, 20, 24, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampsell (US Patent No. 6,219,839), in view of Novak, further in view of Griggs (US PGPUB 2002/0053081).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,219,839	Sampsell	04-2001
2002/0104099	Novak	08-2002
2002/0053081	Griggs	05-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-3, 6-9, 11-13, 16-19, 21-23, 26-29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Sampsell (US Patent No. 6,219,839), in view of Novak et al (United States Patent Application Publication 2002/0104099).

With respect to Claim 1, the claimed *"A method for presenting available media for selection and playback on a television display, the method comprising:*

detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location; is met by Sampsell that teaches the use of a television receiver (12), in conjunction with a user interface, for the selection and playback of available media- whereby available media from a plurality of peripheral devices (VCR #1 14, VCR #2 16, DVD 20, LaserDisc 18) at a 1st location are detected and integrated into an electronic program guide/ electronic resource guide (EPG/ERG) via an electronic resources guide generator (*Abstract; Figs.1 & 9; col.2, lines 19-27; col.3, lines 7-15; col.4, lines 5-16; col.5, lines 11-20; col.7, lines 11-18, col.9, lines 53-61*).

However, the reference is unclear with respect to *constructing* at said first geographical location, at least one display view for display at a second geographical

location, said *at least one display view indicating the availability of said detected available media;*" and "communicating at least a portion of said available media from said first geographic location to said second geographic location."

In the similar field of endeavor, Novak teaches "*constructing* at said first geographical location, at least one display view for display at a second geographical location, said *at least one display view indicating the availability of said detected available media(i.e. individual creating media program schedules which will be displayed to the end users);*" (Figures 2-4 and 7; Paragraphs 0056-57, 0063) and "communicating at least a portion of said available media from said first geographic location to said second geographic location (i.e. transmitting media programs via synthetic channel)." (Figures 2-3; Paragraphs 0060) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to reference for the common knowledge purpose of sharing recordings among end users.

With respect to Claim 2, Sampsell and Novak, the combination teaches everything claimed (see claim 1). The claimed "*comprising presenting an indication of said plurality of different storage locations for said detected available media in said at least one constructed display*" is met by Sampsell that teaches the use of an ERG & a presence row 102, in representing an indication of a storage location for said detected media in a DVD 20 (*Fig.9; col.7, lines 9-18*).

With respect to Claim 3, Sampsell and Novak, the combination teaches everything claimed (see claim 2). The claimed "*wherein said presented indication is one or more of text format, graphic format and/or audio format*" is met by Sampsell that

teaches an indication of storage locations in text format, such as the indication of 'DVD' in the source column of an ERG (*Figs.7; col.7, lines 9-18*).

With respect to Claim 6, Sampsell and Novak, the combination teaches everything claimed (see claim 1). The claimed "*comprising querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media*" is met by Sampsell that teaches using an ERG in recognizing new A/V peripherals that have been added to the local network, integrating information identifying such peripherals, and displaying the information in such a way as to enable a user to control/view programming provided by the peripherals (*col.2, lines 19-27; col.3, lines 7-15*).

With respect to Claim 7, Sampsell and Novak, the combination teaches everything claimed (see claim 1). The claimed "*comprising acquiring said available media from one or both of a media content provider and/or a media storage device*" is met by Sampsell that teaches the implementation of an EPG depicting available media acquired from both a media content provider (ESPN) and a media storage device (DVD) (*Figs.3-9; col.5, lines 3-11, col.7, lines 9-18*).

With respect to Claim 8, Sampsell and Novak, the combination teaches everything claimed (see claim 1). The claimed "*comprising displaying said constructed at least one display on the television screen*" is met by the use of television receiver 12 in displaying ERG/EPG (*Fig.1; col.4, lines 5-16*).

With respect to Claim 9, Sampsell and Novak, the combination teaches everything claimed (see claim 1). The claimed "*comprising formatting said constructed*

at least one display in a graphical user interface" is met by Sampsell that teaches the use of an EPG/ERG constructed in a graphical user interface format(Figs.3-9; col.4, lines 5-16; col.5, lines 11-20).

Claim 11 is met as previously discussed with respect to Claim 1.

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 16 is met as previously discussed with respect to Claim 6.

Claim 17 is met as previously discussed with respect to Claim 7.

Claim 18 is met as previously discussed with respect to Claim 8.

Claim 19 is met as previously discussed with respect to Claim 9.

Claim 21 is met as previously discussed with respect to Claim 1. Furthermore, Sampsell teaches the use of an electronic resources guide generator to generate an electronic resource guide (ERG) / electronic program guide (EPG) for the displaying of available system components of a number of A/V devices and the programming available on or from a component (col.3, lines 66 to col.4, lines 16)

Claim 22 is met as previously discussed with respect to Claim 2.

Claim 23 is met as previously discussed with respect to Claim 3.

Claim 26 is met as previously discussed with respect to Claim 6.

Claim 27 is met as previously discussed with respect to Claim 7.

Claim 28 is met as previously discussed with respect to Claim 8.

Claim 29 is met as previously discussed with respect to Claim 9.

Claim 31 is met as previously discussed with respect to Claim 1.

2. Claims 4, 5, 10, 14, 15, 20, 24, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampsell (US Patent No. 6,219,839), in view of Novak, further in view of Griggs (US PGPUB 2002/0053081).

With respect to Claim 4, the claimed "comprising identifying at least one content category that is associated with said detected available media" is not specifically taught by the, Sampsell et al and Novak, combination. However, in the same field of endeavor, Griggs teaches a system in which content available from a plurality of content providers is detected & displayed using a program schedule- whereby appliance fields 315-320 are used to list the types of networked appliances D_1, D_2 to D_n that are listed (*Figs.1-3; paragraphs [0004], [0025], [0026], [0029], [0032], [0034], & [0035]*).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention as taught by the combination with that of the invention of Griggs for the added benefit of categorizing media from multiple content providers. A person of ordinary skill in the art would have been motivated to make such a modification to the combination in order to present to a user a more efficient user interface.

With respect to Claim 5, the claimed "*comprising associating said presented indication of said plurality of different storage locations for said detected available media with said at least one content category*" is met by Griggs that teach the displaying of a plurality of storage locations alongside appliance fields (*paragraphs [0033] -[0037]*).

With respect to Claim 10, the claimed "*comprising selecting at least a portion of said detected available media at said plurality of different storage locations for said*

construction of said at least one display" is met by Griggs that teaches a program schedule that can be generated through a list of user preferences, whereby a users likes and dislikes are taken into account for the creation of the program guide, for example a selectable filter can prevent all Western programs from being listed (*Figs. 1-3; paragraphs [0038], [0041], [0061]*).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the invention as taught by the combination with that of the invention of Griggs in order to be able to filter out or regulate content provider listed in a program schedule. A person of ordinary skill in the art would have been motivated to make such a modification to the combination in order to minimize program schedule listings and thereby present a redacted/ easier schedule to a user.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 20 is met as previously discussed with respect to Claim 10.

Claim 24 is met as previously discussed with respect to Claim 4.

Claim 25 is met as previously discussed with respect to Claim 5.

Claim 30 is met as previously discussed with respect to Claim 10.

(10) Response to Argument

The examiner respectfully disagrees that the rejection should be reversed. Only those actual arguments raised by appellant's are being treated in the Examiner's Answer. Any further arguments regarding other elements or limitations not specifically argued that the appellant could have made are considered by the examiner as having

been conceded by the appellant for the basis of the decision of this appeal. Accordingly, they are not being addressed by the examiner for further consideration by the panel. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision.

Rejection Under U.S.C. 103 (a) over Sampsell and Novak

A. Claims 1, 11 and 21

The rejection initially relies upon Sampsell to teach a method for presenting available media for selection and playback on a television display, the method comprising: detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location; is met by Sampsell that teaches the use of a television receiver (12), in conjunction with a user interface, for the selection and playback of available media- whereby available media from a plurality of peripheral devices (VCR #1 14, VCR #2 16, DVD 20, LaserDisc 18) at a 1st location are detected and integrated into an electronic program guide/ electronic resource guide (EPG/ERG) via an electronic resources guide generator (Abstract; Figs.1 & 9; col.2, lines 19-27; col.3, lines 7-15; col.4, lines 5-16; col.5, lines 11-20; col.7, lines 11-18, col.9, lines 53-61). However, the reference is unclear with respect to constructing at said first geographical location, at least one display view for display at a second geographical location, said at least one display view indicating the availability of said

detected available media;" and "communicating at least a portion of said available media from said first geographic location to said second geographic location."

The rejection consequently relies upon Novak et al to teach "constructing at said first geographical location, at least one display view for display at a second geographical location, said at least one display view indicating the availability of said detected available media(i.e. individual creating media program schedules which will be displayed to the end users);" (Figures 2-4 and 7; Paragraphs 0056-57, 0063) and "communicating at least a portion of said available media from said first geographic location to said second geographic location (i.e. transmitting media programs via synthetic channel)." (Figures 2-3; Paragraphs 0060)

Accordingly, the examiner concluded it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reference for the common knowledge purpose of sharing recordings among end users.

In response to appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sampsell et al teaches receiver 12 in conjunction with user interface, which gathers available media from plurality of different peripheral devices (VCR #1, VCR #2, DVD, Laser disc). All the available media from different devices are integrated into a electronic program guide (Abstract; Figs.1 & 9; col.2, lines 19-27; col.3, lines 7-15; col.4, lines 5-16; col.5, lines 11-20; col.7, lines 11-18, col.9, lines 53-61). In similar field of endeavor, Novak et al teaches constructing an electronic program guide with media object (i.e. personal video clips, pictures, etc.) (Figures 7-8; Paragraph 0062-64). Wherein, an individual is able to upload media objects, create schedule information, and edit description of the uploaded objects. Once user is done, he/she can press send/save button 712 to save/send settings to website/server via set-top box, PC or other access device (Paragraph 0067). The end user 152, can access Joe's TV channel in similar fashion as regular television programming (Paragraph 0069). Consequently, Novak et al teaches the process of creating electronic program guide with media objects (i.e. at the first location), which is accessed by the end user(s) (i.e. second location). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Sampsell et al with Novak et al, the combination, to teach detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location; constructing at said first geographical location, at least one display view for display at a second geographical location, said at least one display view indicating the availability of said detected available media.

Appellant argues Sampsell et al and Novak et al, the combination does not teach claimed limitation communicating at least a portion of said available media from said first geographic location to said second geographic location, as recited in claim 1. The examiner respectfully disagrees. The combination teaches receiver 12 in conjunction with user interface, which gathers available media from plurality of different peripheral devices (VCR #1, VCR #2, DVD, Laser disc). All the available media from different devices are integrated into a electronic program guide (Sampsell: *Abstract; Figs.1 & 9; col.2, lines 19-27; col.3, lines 7-15; col.4, lines 5-16; col.5, lines 11-20; col.7, lines 11-18, col.9, lines 53-61*). In addition, the combination teaches an individual is able to upload media objects, create schedule information, and edit description of the uploaded objects. Once user is done, he/she can press send/save button 712 to save/send settings to website/server via set-top box, PC or other access device (Novak: Figures 7-8; Paragraph 0062-0064, 0067). The end user 152 at second location, can access Joe's TV channel (i.e. channel with media programs uploaded from said individual at first location) in similar fashion as regular television programming (Novak: Paragraph 0069). The result of end user receiving media objects, which were uploaded by an individual at first location reads on claimed limitation "communicating at least a portion of said available media from said first geographic location to said second geographic location." Appellant argues "Novak does not disclose that the media objects (the alleged "available media") are communicated (unicasting or multicasting) to the end user at TV 154 location (the alleged "second geographical location"). Instead, Novak discloses that the media objects (the alleged "available media") are communicated (unicasting or

multicasting) to the end user at TV 154 location (the alleged "second geographical location") from the web site server 124 or 224, which is at a different location than the upload source 122 or 222 (the alleged "first geographical location"), as stated in appeal brief pages 18-19. The examiner agrees with appellant's remark with respect to media objects received by end user from website/server and not directly from upload source 122 or 222 (i.e. first geographical location). However, the examiner would like to point out present claim language, which fails to limit claim specific to a direct communication between first and second location and therefore, is open to broader interpretation. Wherein, media objects are communicated to end users at TV 154 via website/server reads on claimed limitations.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 1, 11 and 21 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

B. Dependent claims 2-3, 6-9, 12-13, 16-19, 22-23, 26-29 and 31

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claims 1, 11 and 21. Accordingly, claims 2-3, 6-9, 12-13, 16-19, 22-23, 26-29 and 31 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

C. Dependent claims 6, 16 and 26

Appellant argues Sampsell et al and Novak et al, the combination fails to teach claimed limitation comprising querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media. The examiner respectfully disagrees. The combination teaches using an ERG in recognizing new A/V peripherals that have been added to the local network, integrating information identifying such peripherals, and displaying the information in such a way as to enable a user to control/view programming provided by the peripherals in similar fashion with regular programming. Wherein, the information from peripherals and information about the regular programming is inquired by the receiver to be implemented into ERG (Sampsell: col.2, lines 19-27; col.3, lines 7-15 and Col.9 lines 52-62). Therefore, it reads on claimed limitation querying one of a provider of media and at least one storage device at said plurality of different storage locations for said available media.

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claim 1. Accordingly, claims 6, 16 and 26 are not believed to be allowable as set forth in the final rejection and preceding response to the appellant's arguments for independent claim 1.

D. Claims 4-5, 10, 14-15, 20, 24, 25 and 30

Appellant do not appear to set forth any arguments over and above those previously presented with respect to independent claims 1, 11 and 21. Accordingly, claims 4-5, 10, 14-15, 20, 24, 25 and 30 are not believed to be allowable as set forth in

the final rejection and preceding response to the appellant's arguments for independent claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kunal Langhnoja/

Patent Examiner, Art Unit 2427

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/Scott Beliveau/

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